

## **REMARKS**

This Response is filed in response to the Office Action dated 31 May 2002. It is apparent from the Office Action that a preliminary amendment filed in this application was not considered. This response includes a copy of the previously filed preliminary amendment, and requests that it be entered and considered. As explained below, failure to include the preliminary amendment in the file was apparently a PTO clerical error, and Applicant respectfully requests that a non-final action be entered upon initial consideration of the claims added and amended by the preliminary amendment.

The preliminary amendment was mailed to the PTO on 28 February 2002, as shown by the certificate of mailing on the first page of the enclosed copy. A post card was also included, although Applicant's records show that it was not returned by the PTO. However, the preliminary amendment was received by the PTO, because the check enclosed with the preliminary amendment was cashed by the PTO and cleared through the bank account of Applicant's attorney.

Included with the enclosed copy of the preliminary amendment is a copy of the check filed therewith. This check was for \$318.00 to cover the fee for extra claims added by the preliminary amendment. Also included is a copy of a portion of a bank statement for the bank account of Applicant's attorney. This indicates that check no. 7943 cleared the bank on March 18, 2002. Therefore, even though the postcard was not returned by the PTO, it is clear that the preliminary amendment was received, and the extra claim fee check was deposited by the PTO.

For the above reasons, Applicant respectfully requests that the preliminary

amendment previously filed be entered at this time, and considered as if it had been properly placed in the file in March 2002. Applicant further requests that the Office Action issued in response thereto be a non-final action, as a non-final action would have been issued as an initial response to the preliminary amendment if it had been associated with the file at the time that the present application was picked up for consideration.

If the Examiner has any questions regarding the preliminary amendment, he is requested to contact the Applicant's attorney at the phone number set forth below.

Respectfully submitted,



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